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18 *Attorneys for Defendants*
 19 *John Duff III, Henry Smith, and Maxwell Roux*

20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22 KRISHNA OKHANDIAR, an individual, and
 23 REMILIA CORPORATION LLC, a Delaware
 24 limited liability company,

25 Plaintiffs,

26 v.

27 JOHN DUFF III, an individual,
 28 HENRY SMITH, an individual, and
 MAXWELL ROUX, an individual,

Defendants.

Case No. 2:23-cv-1409- APG-EJY

REPLY DECLARATION OF
**JONATHAN P. HERSEY IN SUPPORT
 OF DEFENDANTS' MOTION TO
 DISMISS PURSUANT TO FED. R. CIV.
 P. 12(b)(2) & 12(b)(3), OR
 ALTERNATIVELY TO TRANSFER
 PURSUANT TO 28 U.S.C. §§ 1406(a) OR
 1404(a)**

REPLY DECLARATION OF JONATHAN P. HERSEY

I, Jonathan P. Hersey, declare:

1. I am a partner with the law firm of K&L Gates LLP, attorneys for defendants John Duff III, Henry Smith, and Maxwell Roux (“Defendants”). I am over the age of eighteen and make this declaration based on my personal knowledge. I submit this Reply Declaration in support of Defendants’ Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(2) or 12(b)(3), or Alternatively to Transfer Pursuant to 28 U.S.C. §§ 1406(a) or 1404(a). I am competent to testify to the matters set forth in this declaration, and would do so competently if called to testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of Defendants' Notice of Removal (without the accompanying exhibits) that Okhandiar and Remilia Corp. (the plaintiffs in this case) filed in the Delaware Action entitled *Roux et al. v. Okhandiar, et al.*, Case No. 1:23-cv-01056-GBW, on September 27, 2023 [Doc. 1]. While the Court may take judicial notice of the Notice of Removal pursuant Federal Rule of Evidence 201(b), a copy is provided for the Court's convenience.

3. In paragraph 16 on page 4 of the Notice of Removal (highlighted in Exhibit A), Okhandiar and Remilia Corp. informed the Delaware District Court that despite the removal, they were retaining the right to object to the court's exercise of personal jurisdiction over them, and also to contest venue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed February 8, 2024, at Irvine, California.

Jonathan P. Hersey

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, I electronically filed the foregoing **REPLY DECLARATION OF JONATHAN P. HERSEY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(2) & 12(b)(3), OR ALTERNATIVELY TO TRANSFER PURSUANT TO 28 U.S.C. §§ 1406(a) OR 1404(a)** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Lyndsey Luxford
An employee of SNELL & WILMER L.L.P.

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